

Patent Application
Attorney Docket No. PC10299A

REMARKS

This is in response to the October 15, 2001 Telephone Interview between the undersigned and Examiner Devi, the Examiner now prosecuting the subject application. In the October 15, 2001 Telephone Interview, Examiner Devi indicated that she was withdrawing the requirement for restriction set forth in the March 5, 2001 Office Action by the previous Examiner assigned to the subject application.

However, Examiner Devi noted that, in response to the March 5, 2001 Office Action, the undersigned had cancelled (without prejudice) claims 1-5 and 8 (which the previous Examiner had restricted). Examiner Devi kindly suggested that the undersigned cancel all remaining claims in the subject application and resubmit the original eleven claims, renumbered as claims 12-22.

Thus, applicants have above cancelled claims 6, 7 and 9-11 and have added new claims 12-22. New claims 12-22 are identical to original claims 1-11, except for correction of an obvious improper dependency in original claim 10. Accordingly, applicants maintain that new claims 12-22 do not raise an issue of new matter, and applicants respectfully request that new claims 12-22 be entered.

In the October 15, 2001 Office Action, Examiner Devi required that Examination of claims 1-11 (now claims 12-22) now is instead restricted to one of the following groups:

- I. Claims 12-18, directed to an antigen composition and vaccine compositions;
- II. Claim 19, directed to a method of manufacturing an antigen composition; and
- III. Claims 20-22, directed to method of vaccination.

In the October 15, 2001 Telephone Interview, Examiner Devi indicated that should, subsequent to Examination of the elected group, subject matter within the elected group be deemed allowable, the aforementioned restriction requirement would be withdrawn and the remaining groups would be Examined.

Thus, based on Examiner Devi's assurance that should subject matter within the elected group be determined allowable the claims of the remaining groups would be Examined, applicants elect, without traverse, above Group I, claims 12-18.

If a further Telephone Interview would be of assistance in advancing the prosecution of the subject application, the Examiner is kindly invited to telephone the undersigned at the telephone number provided below.

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No fee is believed necessary in connection with filing this Amendment. However, if any fee is determined to be necessary in connection with filing this Amendment, please charge such fee to Deposit Account No. 16-1445.

Respectfully submitted,

Date:

October 17, 2001

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To: Examiner Sarvamangala Jn Devi

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Date: October 17, 2001

Time (New York)

Docket No. PC10299ABy KLK:maSerial No. 09/489,711Application of David S. Roberts et al.Entitled ERYSIPELOTHRIX RHUSIOPATHIAE ANTIGENS AND VACCINE COMPOSITIONS

The following, due October 17, 2001 in the U.S. Patent Office, has been received there in connection with the above-identified patent application on the date of this facsimile transmission, which is indicated above:

☒ Amendment in Response to 10/15/01 telephone interview☒ Certificate of Facsimile Transmission dated 10/17/01